

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DENNIS EUGENE SMITH,

Defendant.

8:22-CR-117

**ORDER DIRECTING THE
GOVERNMENT TO RESPOND TO
FILING NO. 37**

Defendant Dennis Eugene Smith has been charged with nine counts. [Filing 1 at 1](#)–4. Five of these counts allege violations of 18 U.S.C. § 1591(a) and (b)(1), sex trafficking of a child under 14 years of age. [Filing 1 at 1](#)–3. Two of these counts allege that Smith knowingly attempted to persuade, induce, and entice minors under the age of 18 years to engage in prostitution, in violation of 18 U.S.C. § 2422(b). [Filing 1 at 3](#). Smith is also charged with one count alleging a violation of 18 U.S.C. § 2251(a) and (e) and one count alleging a violation of 18 U.S.C. § 2423(a). [Filing 1 at 4](#)–5. Smith filed a Motion in Limine asking that the Court restrict “the Government from using [Smith’s] taped statement at the time of trial.” [Filing 37 at 1](#). Smith provides the following basis for his Motion:

During the taped statement of the Defendant, one of the officers questioning him makes statements such as the Defendant is a “monster”, a “pedophile”. This same officer comments on the strength of the evidence in a way that would suggest to the jury that conviction should be the only outcome. These statements by this officer are unduly prejudicial to the Defendant, their prejudicial value substantially outweighs their probative value, and most of the statements made on the tape are not relevant.

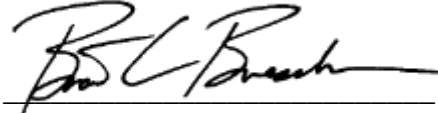
[Filing 37 at 1](#).

The Government has not yet responded to this Motion in Limine. The Court directs the Government to file a response to this Motion within 10 days of the date of this Order.

IT IS ORDERED: The Government shall file a response to Defendant's Motion in Limine, [Filing 37](#), within ten (10) days of the date of this Order.

Dated this 12th day of March, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B.C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge